

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In the Matter of

COMPLAINT OF ESTATE OF THERESA MANIACI-  
CANNI and the ESTATE OF GEORGE CANNI, as owners  
and/or owners pro hac vice of the recreational vessel  
UNCANNI, 2001 Hustler, for Exoneration from or  
Limitation of Liability  
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AFFIDAVIT IN  
OPPOSITION TO  
PETER SOFIA'S  
MOTION FOR  
APPORTIONMENT  
OF EXPERT  
EXPENSES

Docket No.:  
10 CV 0958

State of New York     )  
                                  ss:  
County of New York    )

S. Joseph Donahue and Stephen J. Murphy, being duly sworn, depose and say:

1.       We are attorneys licensed to practice law in the State of New York and are partners at the law firm of Block, O'Toole & Murphy, LLP, attorneys for Tom Soluri and Laura Soluri (hereinafter referred to collectively as "SOLURI"), and as such we are fully familiar with the facts and circumstances of the within action. We submit this affidavit in opposition to the motion for apportionment of expert expenses, submitted by Peter Sofia (hereinafter referred to as "SOFIA").

2.       Attached to this affidavit are Exhibits referenced in SOLURI'S Memorandum of Law In Opposition to SOFIA'S Motion seeking an Apportionment of Expert Expenses.

3.       For the reasons set forth in the accompanying Memorandum of Law and annexed Exhibits, SOFIA'S motion must be denied in all respects.

4.       We make this affidavit based on personal knowledge and a review of the file maintained by our office in regards to this matter.

5.       Annexed as **Exhibit "A"** is an Affidavit of Cornelius Mahoney, Esq., maritime counsel to Block O'Toole & Murphy, LLP in this matter.

6.       Annexed as **Exhibit "B"** are invoices and case disbursements from

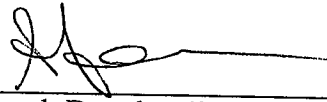
SOLURI'S Experts, Marjorie Cooke and John Afrides.

7. Annexed as **Exhibit "C"** is an invoice and case disbursements paid to the law firm of Sullivan, Papain, Block, McGrath & Cannavo, P.C.

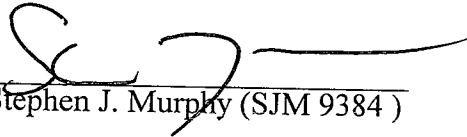
8. Annexed hereto as **Exhibit "D"** is a letter from SOFIA'S counsel Frank Floriani, Esq., of Sullivan, Papain, Block, McGrath & Cannavo, P.C., dated March 26, 2010.

9. Annexed hereto as **Exhibit "E"** is SOFIA'S Statement of Undisputed Facts in Support of SOFIA'S Motion for Summary Judgment.

We declare under penalty of perjury that the foregoing is true and correct. Executed on this 7<sup>TH</sup> day of August 2012



S. Joseph Donahue(SJD 7706)



Stephen J. Murphy (SJM 9384 )